

HOUSE BILL 2956

By Todd

AN ACT to amend Tennessee Code Annotated, Title 6;
Title 49, Chapter 2; Title 49, Chapter 3; Title 49,
Chapter 5; Title 49, Chapter 6 and Title 49,
Chapter 1, relative to local education agencies.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding the following language as a new part 7:

49-2-701.

(a) If a county school system and another school system are consolidated by transfer of administration of the school system to the county school system or by any other method permitted by law, then any city, whether incorporated under general law or by private act, in the county may create a city school system; provided, that, the city is not operating a city school system at the time of the consolidation.

(b) A city may create a city school system, even though after the creation of the system, the number of districts operating in the county shall exceed the number permitted by § 49-2-501(b)(1).

(c) No city school system shall be created under this part, if the first school year of the city system shall begin more than five (5) years after the first day of school in the consolidated school system.

(d) This part shall not apply in any county having a metropolitan form of government.

49-2-702. Section 49-2-106 shall apply to a city proposing to create a city school system under this part. The legislative body of any city proposing to create a city school

system shall request the commissioner of education to make a determination as to whether the proposed school system shall meet the standards of the state board of education promulgated pursuant to § 49-2-106. The commissioner shall make the determination and notify the legislative body within fifteen (15) days of receipt of the request. If the commissioner determines that the proposed school system does not meet the standards of the state board of education, then the city school system may not be created.

49-2-703.

(a) No city school system shall be created under this part, unless the majority of those voting in a referendum of city voters express willingness to raise local funds to support the system, which, together with school funds received from the state and other sources, shall be sufficient to provide adequate educational opportunities for their children.

(b) Within thirty (30) days of receipt of the commissioner's determination, the city legislative body shall notify the county election commission, by resolution, to conduct an election on the question of whether the city school system shall be created.

(c) The county election commission shall place the question on the ballot and set the election date in accordance with § 2-3-204(a). If, however, the city legislative body requests that the election be conducted on the same day as the regular August election, the regular November election, any regularly scheduled city election or the presidential preference primary, then the election commission shall set the election on that date; provided, that the legislative body makes the request at least sixty (60) days before the election date. If a special election is conducted, then the cost of the special election shall be paid by the city.

49-2-704.

(a) If a city seeks to create a city school system under this part, and a majority of the voters in the city have voted in favor of creation of a city school

system, then the city legislative body shall meet to plan the implementation, organization, operation and management of the city school system. In lieu of the legislative body planning the city school system, the legislative body may appoint a committee to plan the implementation of the school system.

(b) In developing the plan, the legislative body or the committee shall consider and provide for the following:

- (1) Administrative organization of the proposed school system;
- (2) A method to ensure no diminution in the level of the educational service as formerly received by the students who shall attend the new city school system;
- (3) Plans for preservation of teachers' rights as required under § 49-5-203;
- (4) Appropriate plans for funding the city school system and raising any tax revenue necessary for the operation of the school system;
- (5) Appropriate plans for the first school year of the city school system, including, but not limited to, school zones for attendance purposes, school facilities and equipment and school staff;
- (6) Appropriate plans for the formation of school board districts and the election of members of the city school board and for reapportionment of school board districts after each federal decennial census; and
- (7) Any other matter deemed by the legislative body, or committee, if appointed, to be pertinent.

(c)

(1) Before presentation of any proposed plan for the creation of the city school system to the department of education, the city legislative body shall hold at least one (1) public hearing duly advertised at least one (1) week prior to the hearing in a newspaper or newspapers of general circulation in the county in which the city is located. A record shall be kept of each public hearing and copies filed with the department.

(2) After the public hearing or hearings have been conducted, the proposed plan may be revised. The plan shall be approved by a majority of the city legislative body before being submitted to the department of education for appraisal under subsection (d).

(d)

(1) The plan to create the city school system as approved by the city legislative body shall be submitted to the department of education for appraisal and recommendations.

(2) The recommendations that the department sees fit to make shall be considered by the city legislative body. The plan may be revised in the light of the recommendations. The department shall make its recommendations within sixty (60) days of submission of the plan.

(e)

(1) After appraisal of the plan by the department and revisions, if any, the city legislative body shall again approve the plan by a majority vote. If the city legislative body approves the plan, then the city school system may be formed.

(2) If the city legislative body does not approve the plan, the plan shall be deemed rejected and finally disposed of and the city school system shall not be created.

(f) Whenever a plan has been finally approved by the city legislative body, then a copy of the plan shall be delivered to the department of education.

SECTION 2. Tennessee Code Annotated, Title 49, Chapter 2, is amended by adding the following language as a new part 8.

49-2-801.

(a) If a county school system and another school system are consolidated by transfer of administration of the school system to the county school system or by any other method permitted by law, then two (2) or more cities in the county may create a joint city school system. The cities may create the joint city system even though the cities are incorporated by different methods under general law or by private act. If any of the cities seeking to create the joint city school system is operating a city school system at the time of the consolidation, then the joint city school system may not be created.

(b) Two (2) or more cities may create a joint city school system under this part, even though after the creation of the system, the number of districts operating in the county shall exceed the number permitted by § 49-2-501(b)(1).

(c) A joint city school system shall not be created under this part, if the first school year of the joint city system shall begin more than five (5) years after the first day of school in the consolidated school system.

(d) If a city having a private act charter desires to participate in the creation of a joint city school system under this part, then the city shall have the authority to participate in the creation of a joint city school system, even though

the city's private act charter does not authorize the city to create or operate a city school system.

(e) If two (2) or more cities create a joint city school system pursuant to this part and the cities are incorporated by different methods, whether according to general law or by private act, then the joint city school system shall be organized, operated and managed according to the requirements of title 49, although the statutes or acts under which the cities are variously incorporated specify otherwise.

(f) This part shall not apply in any county having a metropolitan form of government.

49-2-802. Section 49-2-106 shall apply to cities proposing to create a joint city school system under this part. The legislative bodies of the creating cities shall jointly request the commissioner to make a determination as to whether the proposed school system shall meet the standards of the state board of education promulgated pursuant to § 49-2-106. The commissioner shall make the determination and notify the legislative bodies within fifteen (15) days of receipt of the request. If the commissioner determines that the proposed school system does not meet the standards of the state board of education, then the joint city school system may not be created.

49-2-803.

(a) No joint city school system shall be created under this part unless in each city a majority of those voting in a referendum conducted in each city on the same day express willingness to raise local funds, which, together with school funds received from the state and other sources, shall be sufficient to provide adequate educational opportunities for their children.

(b) If two (2) or more cities seek to create a joint city school system and the commissioner has determined that the proposed school system complies with the standards of the state board of education, then, within thirty (30) days of the receipt of the commissioner's determination, the legislative body of each city shall notify the county election commission by resolution to conduct in the city an election on the question of whether the joint city school system shall be created.

(c) The county election commission shall place the question on the ballot and set the election date in accordance with § 2-3-204(a). If, however, all of the cities request that the election be conducted on the day of any regularly scheduled election occurring in all of the cities, including the regular August election, the regular November election or the presidential preference primary, at least sixty (60) days before the requested election date, then the election commission shall set the election on that date. If a special election is conducted, then the cost of the special election shall be paid by the cities requesting the election.

49-2-804.

(a) If two (2) or more cities seek to create a joint city school system under this part, and a majority of the voters in each city have voted in favor of creation of a joint city school system, then the legislative bodies of cities shall meet jointly to plan the implementation, organization, operation and management of the joint city school system. In lieu of the legislative bodies meeting jointly, the bodies may appoint a joint committee to plan the implementation of the school system.

(b) In developing the plan, the legislative bodies or the committee shall consider and provide for the following:

(1) Administrative organization of the proposed school system;

(2) A method to ensure no diminution in the level of the educational service as formerly received by the students who shall attend the new joint city school system;

(3) Plans for preservation of teachers' rights as required under § 49-5-203;

(4) Appropriate plans for financing the joint city school system, for raising any tax revenue necessary for its operations and for establishing and maintaining a budget for the system;

(5) The manner of acquiring, holding and disposing of real and personal property used for the joint city school system;

(6) Appropriate plans for the first school year of the joint city school system, including, but not limited to, school zones for attendance purposes, school facilities and equipment and school staff;

(7) Appropriate plans for the formation of school board districts and the election of members of the joint city school board that meet the requirements of § 49-2-201 and for reapportionment of school board districts after each federal decennial census; and

(8) Any other matter deemed by the legislative bodies or the committee to be pertinent.

(c)

(1) Before presentation of any proposed plan for the creation of the joint city school system to the department of education, each city legislative body shall hold at least one (1) public hearing duly advertised at least one (1) week prior to the hearing in a newspaper or newspapers of general circulation in the county in which the cities are located. A

record shall be kept of each public hearing and copies filed with the department.

(2) After the public hearings have been conducted, the proposed plan may be revised. The plan shall be approved by a majority of each city legislative body voting separately before being submitted to the department of education for appraisal under subsection (d).

(d)

(1) The plan to create the joint city school district as agreed upon by the city legislative bodies shall be submitted to the department of education for appraisal and recommendations.

(2) The recommendations that the department sees fit to make shall be considered by the city legislative bodies. The plan may be revised in the light of the recommendations. The department shall make its recommendations within sixty (60) days of submission of the plan.

(e)

(1) After appraisal of the plan by the department and revisions, if any, each city legislative body shall again approve the plan by a majority vote. If each city legislative body approves the plan, then the joint city school system may be formed.

(2) If the legislative body of one (1) or more of the cities disapproves the plan, the plan shall be deemed rejected and finally disposed of and the joint city school system shall not be created.

(f) Whenever a plan has been approved by all cities involved, a copy of the plan shall be delivered to the department of education.

49-2-805.

(a) Cities creating joint city school systems under this part are authorized and empowered to levy taxes and issue bonds for the joint city school system.

(b) Cities creating joint city school systems under this part and the joint city school system are authorized and empowered to expend funds, acquire property through purchase, employ teachers, provide for the transportation of school children and do any and all other acts necessary or expedient for operation of the joint city school system.

(c) Properties transferred to the joint city school system may be used and new school facilities and property may be acquired or constructed by the joint city school system.

(d) Agreements for joint ownership or use of real and personal property are authorized.

SECTION 3. Tennessee Code Annotated, Section 6-58-112(b), is amended by deleting the word "An" and by substituting instead the language "Except as provided in title 49, chapter 2, parts 7 and 8, an".

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.